

MT LEGISLATIVE HISTORY

Chapter 265 1965

Bill H 384 S _____

Original bill & hist. C

H. Committee on Fish + Game

S. Committee on Fish + Game

Hearing Date(s) Feb 04 ☒ C

Hearing Date(s) Feb 22 ☒ C

Feb 08 ☒ C

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Date Out Feb 08 ☒ C

Feb 22 ☒ C

Did this bill originate in an interim committee? Yes No

Committee _____

Report _____

MINUTES FOR THE MEETING

of the

FISH AND GAME COMMITTEE

The ninth meeting of the House Fish and Game Committee was called to order by the Chairman, Mr. Henry Gill on February 4, 1965.

Roll was called with eleven present and four absent.

The first order of business was House Bill No. 384. Rep. Jack Rehberg of Yellowstone County introduced the bill to the committee and gave the floor to Mr. Jim Patton, a lawyer from Billings who explained the bill in some detail and answered questions on it. Mr. Pat McDunna, a resident of that area also spoke in support of the bill. Frank Dunkle then answered questions on the bill in regard to the Fish and Game Department's stand on it. Mr. Bob Durkee, representing the Montana Wildlife Association gave us his objections to the bill. Mr. Sheehy was also present as one of the authors of the bill. It was decided to pass action on House Bill No. 384 for today.

The next order of business was House Bill No. 263. A motion to reconsider former action taken on House Bill No. 263 was made by Mr. Tooke. Mr. Bailey seconded the motion and it was passed unanimously. Mr. Tooke presented the above mentioned amendment to the committee.

Mr. Delano then explained House Bill No. 372 to the committee. Mr. Frank Dunkle added to Mr. Delano's explanation and answered questions on this bill. Mr. Wesley D'Ewart had several questions on the bill and it was decided to pass consideration for today on House Bill No. 372.

Mr. Bailey then explained House Bill No. 457 and added he had received written opposition to this bill as it now stands. After a short discussion on the bill, Mr. Bailey moved to pass consideration on House Bill No. 457 for the day.

Mr. Christiansen seconded the motion and it was approved unanimously.

Mr. Delano then explained House Bill No. 392. Mr. Dunkle told the committee work was being done in this area by the Fish and Game Department at the present time.

Mr. Bailey then moved "House Bill No. 7 be amended as follows:

Section 1 thereof on line 1 of page 2 of the original bill,

A shooting preserve is an acreage either privately owned or leased on which artificially propagated game is released for the purpose of hunting, usually for a fee, over an extended season designated by your state game department.

The growing popularity of shooting preserves is largely responsible for a substantial increase in field trials in the United States, with a corresponding increase in dog ownership. By utilizing techniques developed in preserve operations, "shooting field trials" are being held successfully on club-operated or commercial areas.

Hunting clubs in this country have developed most of the techniques now widely used in shooting preserve management. Only recently have gunning pressure and habitat destruction combined to emphasize the necessity of making shooting preserves available to the man of average means. There are now three principal types of operation, which may be roughly classified as follows:

CLUB OPERATION: Shooting preserves operated for the benefit of members. Hired employees perform all labor, including rearing and releasing of birds, training and handling of dogs, etc.

COMMERCIAL OPERATION: Area to be operated by one or more individuals, usually on a daily fee basis. This form of preserve offers unusual opportunities for increasing the revenue from agricultural land.

FIELD TRIAL OPERATION: This is a highly-specialized type of operation in which the training and working of dogs is the primary consideration. Usually the number of birds required is held to a minimum except for "shooting field trials" held on the same property.

Experience has shown that shooting preserves enjoy their greatest popularity when purely natural conditions are permitted to prevail. The average hunter dislikes artificiality of any kind, preferring the American type of field shooting to the European system of driving the birds over fixed shooting positions. It follows that the use of a dog is a "must" in preserve shooting.

House Bill 384 will provide statutory authority for the permitting of private shooting preserves by the Montana Fish and Game Commission. At the present time shooting of artificially propagated game birds under the circumstances existing within a private shooting preserve is unlawful.

There are 44 states which have either statutory authorization for private shooting preserves or authorization through regulations issued by the State Fish and Game authority. As of July 1, 1964 there were 563 public preserves and 1558 private shooting preserves in the United States. Approximately 900,000 birds were taken on these preserves during the 1963-1964 season. The number of shooting preserves is increasing at the rate of about 10 percent per year which gives some indication of the popularity of the same where they were authorized and in use.

Under House Bill 384 regulation of the operation of a Montana shooting preserve is under the strict control of the Montana Fish and Game Commission. The bill provides for an extended hunting season of 180 consecutive days, which season is to be fixed by the Montana Fish and Game Commission, under circumstances wherein accurate records of all birds taken must be kept by the preserve operator. Using these records the Montana Fish and Game Commission will set the minimum number of birds to be released during the shooting season upon each species to be hunted. The law provides that no more than 80 percent of all birds, except mallard ducks, can be harvested. This means that by law a surplus of 20 percent of each species hunted must be released on the preserve. In fact a lesser number is usually harvested because operators have found it nearly impossible under the best of conditions to recover more than 75 percent of the birds released.

There would be no access problems arising by virtue of this act since the Fish and Game Commission can regulate the location of the preserves. The Bill provides for a maximum area of 1280 acres which again limits the area which might be converted to a private shooting preserve.

Shooting preserves would lessen hunting pressure on property on private lands near Montana's larger cities. As most of us realize great areas of private lands are now posted to hunting because of excessive hunter pressure and the attendant deterioration of land owner relationship. There are many instances at the present time of individuals leasing land for the purpose of

gaining exclusive hunting rights thereon. Thus in effect we now have fee hunting in Montana. The private shooting preserve act will allow the serious hunter, who is willing to pay a fee, to take artificially propagated game over an extended season.

MINUTES FOR THE MEETING

of the

FISH AND GAME COMMITTEE

The eleventh meeting of the House Fish and Game Committee was called to order February 8, 1965 by Mr. Henry L. Gill, Chairman.

Roll was called with nine present and six absent.

The first order of business was House Bill No. 404. Reps. Johnson and Gundersen, Chief Sponsors of the bill appeared and gave us their explanation and reasons for wanting this bill passed. They also submitted a suggested amendment to the bill.

The next order of business was House Bill No. 384. As Mr. Christiansen had done a great deal of investigating work with the sponsors and the Fish and Game Department on this bill, he was given the floor. Mr. Christiansen had several amendments he recommended to this bill. Mr. Frank Dunkle told the committee the Department had no opposition to this bill with Mr. Christiansen's amendments written in.

House Bill No. 206 was then discussed with Rep. Smiley appearing to defend this bill. With Mr. Smiley were several residents of the area in question. Former Rep. Thompson from Gallatin Gateway and Mr. Mark Patton were also heard.

The speakers for the various bills before committee then left.

Mr. Tracy made the motion that House Bill No. 404 "do pass" There were no seconds to the motion and it was not carried.

Mr. Zimmer made the motion that House Bill No. 404 "do not pass"

Mr. Tooke seconded the motion and it was carried with an objection voiced by Mr. Tracy.

Mr. Tracy made the motion that House Bill No. 384 "be amended" as follows:

By adding the following words in Section 2 after the word "acres" and before the period in line 26 on page 1 of the original bill: "and shall be located in an area which will not substantially reduce hunting areas available to the public as determined by the commission."

By deleting the following words in Section 3 as the same appear in line 3 on page 2 of the original bill: "mallards, black ducks, and geese,"

By deleting the letter "(a)" in Section 3 as it appears in line 6 on page 2 of the original bill

By deleting the following words in Section 3 as the same appear in lines 12, 13 and 14 on page 2 of the original bill: "(b) mallards, black ducks, and/or geese released on a shooting preserve must have had a $\frac{1}{4}$ " hold punched in the outer web of the right foot before the birds attain the age of 6 weeks."

By deleting in Section 4 the figure "\$25.00" as the same appears in line 16 on page 2 of the original bill and inserting in lieu thereof the figure "\$50.00"

By deleting in Section 4 the figure "\$5.00" as the same appears in line 17 on page 2 of the original bill and inserting in lieu thereof the figure "\$20.00"

By deleting in Section 5 the following words in lines 23 and 24 on page 2 of the original bill: ", except mallards, black ducks, and non-native game species upon which 100 per cent recovery may be allowed"

By deleting all of Section 11 following the word and figure "Section 11." as the same appears on lines 2 through 10 on page 4 of the original bill and inserting in lieu thereof the words "All persons hunting on shooting preserves must have a valid resident or nonresident game bird license."

By deleting in Section 13 the following words as the same appear in lines 24 and 25 on page 4 of the original bill: "been convicted of a violation of" and inserting in lieu thereof the word "violated"

By inserting the following words in Section 13 after the word "Act" and before the period as the same appear in line 25 on page 4 of the original bill: "or any rule or regulation of the state fish and game commission"

By inserting the following paragraph as Section 14 following Section 13 in the original bill: "Section 14. The state fish and game commission shall conduct unscheduled inspections of all shooting preserves licensed under this act to insure that pertinent statutes as well as the rules and regulations of the state fish and game commission are being followed and obeyed."

By deleting the word and figure "Section 14" as the same appear in line 1 on page 5 of the original bill and inserting in lieu thereof the word and figure "Section 15"

Mr. Delano seconded the motion and it was carried unanimously.

Mr. Tracy made the motion that House Bill No. 384 "as amended, do pass"

Mr. Delano seconded the motion and it was passed unanimously.

Mr. Delano then made a motion that this committee pass consideration on House Bill No. 206 until Tuesday when the whole committee could pass consideration on this bill.

The motion was seconded by Mr. Christiansen and was passed unanimously.

The meeting was then adjourned upon motion.

Respectively submitted,

Carol Brown

Carol Brown, Secretary

Henry L. Gill
HENRY L. GILL, CHAIRMAN

Mr. Chairman:

I move to amend the original House Bill No. 384 as follows:

By adding the following words in Section ²~~2~~ after the word "acres" and before the period in line 28 on page 1 of the original bill: "and shall be located in an area which will not substantially reduce hunting areas available to the public as determined by the commission.";

By deleting the following words in Section 3 as the same appear in line 3 on page 2 of the original bill: "mallards, black ducks, and geese,";

By deleting the letter "(a)" in Section 3 as it appears in line ⁶~~6~~ on page 2 of the original bill;

By deleting the following words in Section 3 as the same appear in lines ~~14~~, ~~15~~ and ~~16~~ on page 2 of the original bill: "(b) mallards, black ducks, and/or geese released on a shooting preserve must have had a $\frac{1}{4}$ " hole punched in the outer web of the right foot before the birds attain the age of 6 weeks.";

By deleting in Section 4 the figure "\$25.00" as the same appears in line ~~18~~ on page 2 of the original bill and inserting in lieu thereof the figure "\$50.00";

By deleting in Section 4 the figure "\$5.00" as the same appears in line ~~20~~ on page 2 of the original bill and inserting in lieu thereof the figure "\$20.00";

²³
~~24~~ By deleting in Section 5 the following words in lines ~~25~~ and ~~26~~ on page 4 of the original bill: ", except mallards, black ducks, and non-native game species upon which a 100 per cent recovery may be allowed";

⁷ By deleting in Section 13 the following words as the same appear in lines ~~27~~ and ~~28~~ on page 4 of the original bill: "been convicted of a violation of" and inserting in lieu thereof the word "violated";

By inserting the following words in Section 13 after the word "Act" and before the period as the same appear in line ~~28~~ on page 4 of the original bill: "or any rule or regulation of the state fish and game commission";

By inserting the following paragraph as Section 14 following Section 13 in the original bill: "Section 14. The state fish and game commission shall conduct unscheduled inspections of all shooting preserves licensed under this act to insure that pertinent statutes as well as the rules and regulations of the state fish and game commission are being followed and obeyed.";

By deleting the word and figure "Section 14" as the same appear in line 1 on page 5 of the original bill and inserting in lieu thereof the word and figure "Section 15".

WESTERN UNION
TELEGRAM

WESTERN UNION
TELEGRAM

PRG093

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HENRY L GILL

HOUSE OF REP HELENA MONT

I OPPOSE HOUSE BILL 384 THIS BILL WOULD HASTEN THE END OF PUBLIC
BIRD HUNTING IN MONTANA

IVAN CRAY

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Mr. Chairman:

I move to amend the original House Bill No. 384 as follows:

By adding the following words in Section 2 after the word "acres" and before the period in line 28 on page 1 of the original bill: "and shall be located in an area which will not substantially reduce hunting areas available to the public as determined by the commission.";

By deleting the following words in Section 3 as the same appear in line 3 on page 2 of the original bill: "mallards, black ducks, and geese,";

By deleting the letter "(a)" in Section 3 as it appears in line 7 on page 2 of the original bill;

By deleting the following words in Section 3 as the same appear in lines 14, 15 and 16 on page 2 of the original bill: "(b) mallards, black ducks, and/or geese released on a shooting preserve must have had a $\frac{1}{4}$ " hole punched in the outer web of the right foot before the birds attain the age of 6 weeks.";

By deleting in Section 4 the figure "\$25.00" as the same appears in line 18 on page 2 of the original bill and inserting in lieu thereof the figure "\$50.00";

By deleting in Section 4 the figure "\$5.00" as the same appears in line 19 on page 2 of the original bill and inserting in lieu thereof the figure "\$20.00";

By deleting in Section 5 the following words in lines 26 and 27 on page 2 of the original bill: ", except mallards, black ducks, and non-native game species upon which a 100 per cent recovery may be allowed";

By deleting in Section 13 the following words as the same appear in lines 27 and 28 on page 4 of the original bill: "been convicted of a violation of" and inserting in lieu thereof the word "violated";

By inserting the following words in Section 13 after the word "Act" and before the period as the same appear in line 28 on page 4 of the original bill: "or any rule or regulation of the state fish and game commission";

By inserting the following paragraph as Section 14 following Section 13 in the original bill: "Section 14. The state fish and game commission shall conduct unscheduled inspections of all shooting preserves licensed under this act to insure that pertinent statutes as well as the rules and regulations of the state fish and game commission are being followed and obeyed.";

By deleting the word and figure "Section 14" as the same appear in line 1 on page 5 of the original bill and inserting in lieu thereof the word and figure "Section 15".

February 22, 1965

The Committee on Fish and Game met at recess with a quorum present and Chairman Rieder presiding.

Rep. Rehberg appeared on H.B. 384 and introduced Mr. Jim Patten, an attorney who discussed the bill. Mr. Patten distributed printed material on the hunting preserves in the United States and answered many questions from the members of the committee.

Sen. McDonnell moved the bill be amended to read the preserves must be located not closer than ten miles apart. Sen. Harris seconded the motion and the motion carried.

Sen. Harris moved that S.B. 384 be amended to read 4 months (120 days) for the shooting period allowed, seconded by Sen. McDonnell and the motion carried. Sen. McDonnell then moved that as amended, S.B. 384 be concurred in, seconded by Sen. Harris and the motion carried with one dissenting vote.

After some discussion of H.B. 372, Sen. Hafferman moved that it be not concurred in, seconded by Sen. Harris and the motion carried.

The meeting was adjourned.



Arnold Rieder Chairman

February 22, 1943

MR. PRESIDENT:

We, your Committee on FISH AND GAME

having had under consideration HOUSE Bill No. 384

A BILL FOR AN ACT ENTITLED: "A BILL TO AUTHORIZE THE ISSUANCE OF OPERATING LICENSES OR PERMITS FOR PRIVATELY OWNED AND OPERATED SHOOTING PRESERVES BY THE MONTANA FISH AND GAME COMMISSION AND FILING FEES FOR SUCH LICENSE OR PERMIT; PROVIDING FOR THE RELEASE OF ARTIFICIALLY PROPAGATED GAME AND THE TAKING OF THE SAME ON PRIVATELY OWNED AND OPERATED SHOOTING PRESERVES; PROVIDING FOR THE FILING OF SHOOTING SEASONS ON THE SAME; PROVIDING FOR THE MAINTENANCE OF RECORDS BY OPERATORS THEREOF; PROVIDING FOR THE REVOCATION OF LICENSES OR PERMITS FOR PRIVATELY OWNED AND OPERATED SHOOTING PRESERVES; AND PROVIDING A REPEALING CLAUSE."

Respectfully report as follows: That HOUSE Bill No. 384

Be amended as follows:

and line 1, page 2

Amend Section 2, sub-section (a) in line 30, page 1 of the original bill, being line 6, page 2 of the printed bill, following the word "shall" by striking the words "be located in an area" and inserting in lieu thereof the following: "not be located closer than ten (10) miles from another preserve and in areas"

Amend Section 7, on line 2, page 3 of the original bill, being line 3, page 3 of the printed bill, by striking the figure "180" and inserting in lieu thereof the words and figure "one hundred twenty (120)"

And further amend Section 7, in line 4, page 3 of the original bill, being line 5, page 3 of the printed bill, following the words "during the" by striking the word "seven" and inserting in lieu thereof the word and figure "four (4)"

And further amend Section 7, in lines 4 and 5, page 3 of the original bill being lines 5 and 6, page 3 of the printed bill, following the word "beginning" by striking the words and figures: "September 1 and ending March 31" and inserting in lieu thereof the words and figures "September 1 and ending December 31."

AND AS AMENDED,
BE CONCURRED IN

YIP:YIP
DO Pass.

 Chairman
ARNOLD PRIEDER

State expenditure
of public monies.

Section 3. The agencies of the state and local government enumerated in the preceding section may, within the limits of the laws governing their respective authorities to raise and expend public monies, budget for, and/or expend public monies in order to enter into and carry out contracts, agreements and plans under this act and public law 88-452. Any such expenditures must be made from the budgets, budget items or appropriations set up for the general purpose to be served by the project.

City-county
commission
—authority.

Section 4. The city council or councils of a city or cities within a county and the county commissioners of the county may create a city-county commission to effect the purposes of this act. Such city-county commission is authorized to:

Contracts
with U.S.

(1) Make contracts and agreements with United States government agencies for the purpose of carrying out the intent of this act;

Use of public and
private funds.

(2) Accept and expend public and private funds made available to such commission for the purpose of carrying out the intent of this act.

Effective
immediately.

Section 5. This act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1965.

CHAPTER 264

An Act Submitting to the Electorate at the November 1966 General Election the Question of Whether or Not a Tobacco Tax Should Be Levied for the Purpose of Financing the Cost of Constructing and Remodeling State Buildings.

Be it enacted by the Legislative Assembly of the State of Montana:

Approval of
electors of cig-
arette tax.

Section 1. Upon the approval of the electors of this state, to be determined by their vote at the general election to be held in November of 1966, the three cent (3¢) per package cigarette tax authorized by Section 84-5606, Subdivision 3 and 4, R. C. M. 1947, and a tax in an amount to be fixed by law on all other tobacco products may be levied and collected for the purpose of

financing the cost of constructing and remodeling state buildings.

Section 2. This referendum shall be submitted to the electors on an official ballot which shall contain the title of this act and the number of the referendum. The question shall be presented in substantially the following form:

Ballot—to contain.

☐ For Referendum Measure No.....

☐ Against Referendum Measure No.....

Approved March 9, 1965.

CHAPTER 265

A Bill to Authorize the Issuance of Operating Licenses or Permits For Privately Owned and Operated Shooting Preserves by the Montana Fish and Game Commission and Fixing Fees For Such License or Permit; Providing For the Release of Artificially Propagated Game and the Taking of the Same on Privately Owned and Operated Shooting Preserves; Providing For the Fixing of Shooting Seasons on the Same; Providing For the Maintenance of Records by Operators Thereof; Providing For the Revocation of Licenses or Permits For Privately Owned and Operated Shooting Preserves; and Providing a Repealing Clause.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the Montana fish and game commission is hereby authorized and empowered to issue operating licenses or permits for shooting preserves, which may be privately owned and operated, and to make such rules and regulations as may be necessary and proper in carrying out the purposes of this act.

Montana fish and
game commission
authorized to li-
cense shooting pre-
serves—rules and
regulations.

Section 2. Operating licenses or permits may be issued to any person, partnership, association or corporation for the operation of shooting preserves that meet the requirements hereinafter prescribed.

Licenses or
permits.

Requirements
for issue.

(a) each shooting preserve shall be restricted to not more than 1,280 contiguous acres and shall not be located closer than ten (10) miles from another preserve and in

areas which will not substantially reduce hunting areas available to the public as determined by the commission.

(b) the exterior boundaries of each shooting preserve shall be clearly defined and posted with signs erected around the extremity at intervals of 250 feet or less.

Game which may be hunted.

Section 3. Game which may be hunted under this act shall be confined to artificially propagated pheasants, quail, chukar partridges, turkeys and such other species as the Montana fish and game commission may add from time to time.

Minimum number of species.

A minimum number of stock of each species to be hunted on a shooting preserve shall be released on the licensed area during the shooting preserve season. The minimum number of stock of each species to be released shall be determined by the Montana fish and game commission before the commencement of the said season.

Fees.

Section 4. Fees for shooting preserve licenses or permits shall be fifty dollars (\$50) per year for the first 160 acres of shooting preserve area, plus twenty dollars (\$20) per year for each additional 160 acres or parts thereof.

Holders of licenses or permits—entitled.

Section 5. The operating licenses or permits issued by the Montana fish and game commission shall entitle holders thereof, and their members, guests or patrons to recover not more than 80% of the total number of each species of game released on the premises each year.

Shooting limitations.

Section 6. Except for required compliance with the game recovery restriction provided in section 5 above, shooting preserve operators may establish their own shooting limitations and restrictions on the age, sex and number of each species that may be taken by each person.

Season.

Section 7. In order to give a reasonable opportunity for a fair return on a sizeable investment, the season established for shooting preserves shall be no less than one hundred twenty (120) consecutive days as designated by the Montana fish and game commission during the four (4) month period beginning September 1 and ending December 31.

Tagging of game harvested.

Section 8. All harvested game shall be tagged with a self-sealing tag prior to being either consumed on the premises or removed therefrom, such tags to remain af-

fixed until the game actually is prepared for consumption. The Montana fish and game commission shall furnish tags at nominal cost to shooting preserve operators, the tags to be numbered consecutively and dated by year of issuance.

Section 9. Each shooting preserve operator shall maintain a registration book listing the names, addresses and hunting license numbers of all shooters; the date on which they hunted; the amount of game and the species taken; and the tag numbers affixed to each carcass. An accurate record likewise must be maintained of the total number, by species, of game raised and/or purchased, and the date and number of all species released. These records shall be open to inspection by a delegated representative of the Montana fish and game commission at any reasonable time, and shall be the basis upon which the game-recovery limits in section 5 hereof shall be determined.

Registration of shooters, game—inspection.

Section 10. Any wild game found on shooting preserves may be harvested in accordance with applicable game and hunting laws pertaining to open seasons, bag and possession limits, and so forth, as are established regularly by the Montana fish and game commission and the U. S. fish and wildlife service.

Wild game on shooting preserves.

Section 11. All persons hunting on shooting preserves must have a valid resident or nonresident game bird license.

Licensing of hunters.

Section 12. Each shooting preserve license or permit issued by the Montana fish and game commission shall designate whether or not the preserve is open to the public on a commercial basis, or is restricted to a membership or other limited group. In the latter case, the license or permit shall specify that the area is a restricted shooting preserve. The Montana fish and game commission shall maintain accurate listings of the names, addresses, and the location of the property, of all persons to whom shooting preserve licenses or permits are issued; said lists shall be made available in their entirety to anyone requesting same, and shall specify whether the preserves are public or private.

Shooting preserve license—designation whether public or private preserve.

Section 13. The Montana fish and game commission may revoke any shooting preserve license or permit issued

Revocation of license.

under the authority of this act, when the licensee has violated any of the provisions of this act or any rule or regulation of the state fish and game commission. After such revocation, a new license or permit may be issued, if in the discretion of the Montana fish and game commission the circumstances so warrant.

Unscheduled inspections of preserves.

Section 14. The state fish and game commission shall conduct unscheduled inspections of all shooting preserves licensed under this act to insure that pertinent statutes as well as the rules and regulations of the state fish and game commission are being followed and obeyed.

Repealing clause.

Section 15. Any and all statutes, or parts thereof, in conflict with or inconsistent with the provisions of this act upon the date of its enactment are hereby repealed.

Approved March 9, 1965.

CHAPTER 266

An Act to Amend Section 33-124, R. C. M. 1947, by Increasing the Value of the Homestead from Two Thousand Five Hundred Dollars to Seven Thousand Five Hundred Dollars; Providing for an Effective Date for This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. Section 33-124, R. C. M. 1947, is amended to read as follows:

Homestead.

"33-124. **Homesteads — quantity and value of land.** Homesteads may be selected and claimed:

Agricultural purposes.

1. Consisting of any quantity of land not exceeding three hundred and twenty (320) acres used for agricultural purposes, and the dwelling house thereon and its appurtenances, and not included in any town plot, city or village; or

City or village.

2. A quantity of land not exceeding in amount one-fourth ($\frac{1}{4}$) of an acre, being within a town plot, city or village, and the dwelling house thereon and its appurtenances.

3. Such homestead, in either case, shall not exceed in value the sum of *seven thousand five hundred dollars (\$7,500.00)*, provided, however, that in any proceedings instituted to determine the value of such homestead, the assessed value of such land, with included appurtenances, if any, and of such dwelling house as appears on the last completed assessment roll preceding the institution of such proceedings shall be prima facie evidence of the value of the property claimed as a homestead."

Limitation of value.

Section 2. This act is effective on its passage and approval.

Effective immediately.

Approved March 9, 1965.

CHAPTER 267

An Act Relating to Payments to Silicotics; Amending Sections 71-1003, 71-1004, and 71-1008, All Revised Codes of Montana, 1947, as Amended; Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 71-1003, Revised Codes of Montana, 1947, as last amended by chapter 225, Montana session laws, 1961, be, and the same is hereby amended to read as follows:

Amending clause.

"Section 71-1003. **Eligibility requirements for aid to persons having silicosis, as herein defined.** Payments shall be made under this act to any person who:

Eligibility requirements for payments.

"(a) Has silicosis, as defined in section 71-1001, which results in his total disability so as to prevent him from engaging in a gainful occupation. The term 'gainful occupation' as used herein shall not be construed to mean occasional or intermittent light employment where the ability to do manual labor is not essential, but shall mean any person having an income from any other source exceeding one hundred fifty dollars (\$150.00) per month.

Disability.
"Gainful occupation."

"(b) Has resided in and been an inhabitant of the state of Montana for ten (10) years, or more, immediately preceding the date of the application.

Residence.

"(c) Has silicosis and is entitled to payments under this act, but who is not at the time of receiving a pay-

Not in institution.